

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 615

48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007

INTRODUCED BY

Donald E. Bratton

AN ACT

RELATING TO PHARMACY PRACTICES; EXPRESSING NO PREFERENCE FOR A
NONRESIDENT PHARMACY; PERMITTING A NEW MEXICO PHARMACIST TO
DISPENSE A NINETY-DAY SUPPLY OF A PRESCRIPTION DRUG.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Pharmacy Act is enacted
to read:

"[NEW MATERIAL] NO PREFERENCE FOR A NONRESIDENT
PHARMACY.--The board shall not give preference to a nonresident
pharmacist. Nothing in the Pharmacy Act or rules promulgated
pursuant to that act shall prohibit a New Mexico pharmacist
from dispensing a ninety-day supply of a prescription drug upon
receipt of a valid prescription."

Section 2. Section 30-31-18 NMSA 1978 (being Laws 1972,
Chapter 84, Section 18, as amended) is amended to read:

.165117.1

underscored material = new
[bracketed material] = delete

1 "30-31-18. PRESCRIPTIONS.--

2 A. No controlled substance listed in Schedule II,
3 which is a prescription drug as determined by the federal food
4 and drug administration, may be dispensed without a written
5 prescription of a practitioner, unless administered directly to
6 an ultimate user. No prescription for a Schedule II substance
7 may be refilled. No person other than a practitioner shall
8 prescribe or write a prescription.

9 B. Prescriptions for Schedules II through IV shall
10 contain the following information:

11 (1) the name and address of the patient for
12 whom the drug is prescribed;

13 (2) the name, address and registry number of
14 the person prescribing the drug; and

15 (3) the identity of the pharmacist of record.

16 C. A controlled substance included in Schedules III
17 or IV, which is a prescription drug as determined under the New
18 Mexico Drug, Device and Cosmetic Act, shall not be dispensed
19 without a written or oral prescription of a practitioner,
20 except when administered directly by a practitioner to an
21 ultimate user. The prescription shall not be filled or
22 refilled more than six months after the date of issue or be
23 refilled more than five times, unless renewed by the
24 practitioner and a new prescription is placed in the file. A
25 retail pharmacist may dispense a ninety-day supply of a

.165117.1

underscoring material = new
[bracketed material] = delete

1 controlled substance under the New Mexico Drug, Device and
2 Cosmetic Act with the written prescription of a practitioner.

3 Prescriptions shall be retained in conformity with the
4 regulations of the board.

5 D. The label affixed to the dispensing container of
6 a drug listed in Schedules II, III or IV, when dispensed to or
7 for a patient, shall contain the following information:

8 (1) date of dispensing and prescription
9 number;

10 (2) name and address of the pharmacy;

11 (3) name of the patient;

12 (4) name of the practitioner; and

13 (5) directions for use and cautionary
14 statements, if any.

15 E. The label affixed to the dispensing container of
16 a drug listed in Schedule II, III or IV, when dispensed to or
17 for a patient, shall contain a clear concise warning that it is
18 a crime to transfer the drug to any person other than the
19 patient.

20 F. No controlled substance included in Schedule V,
21 which is a proprietary nonprescription drug, shall be
22 distributed, offered for sale or dispensed other than for a
23 medical purpose and a record of the sale shall be made in
24 accordance with the regulations of the board.

25 G. In emergency situations, as defined by

.165117.1

underscored material = new
[bracketed material] = delete

1 regulation, Schedule II drugs may be dispensed upon oral
2 prescription of a practitioner, if reduced promptly to writing
3 and filed by the pharmacy in accordance with regulations of the
4 board."

5 - 4 -
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25